

REMARKS

Claims 1-25 are pending in the above identified patent application with claims 1-19 and 25 at issue. Claims 20-24 stand allowed. Of the claims at issue, claims 1, 11, and 25 are independent. In view of the following remarks, it is respectfully submitted that all pending claims are in a condition for allowance. Favorable reconsideration is respectfully requested.

Power of Attorney

Submitted herewith is a copy of a properly executed Power of Attorney and Change of Address form that was previously forwarded to the United States Patent and Trademark Office on May 25, 2005. The applicants request that the necessary information be updated to reflect the proper information.

35 U.S.C. § 103(a) Rejections - Clark in view of Rosenoy

Claims 1-4 and 11-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark (USPN 3,292,685) in view of Rosenoy (USPN 4,800,946). Claims 1 and 11 are independent claims and will be the focus of this discussion.

Independent Claim 1:

Claim 1 is directed toward an impactable panel assembly attachable to a lower section of a metal rollup door. In particular, claim 1 recites, *inter alia*, an impactable panel assembly comprising a first flexible curtain, a connecting bar attached to the first upper edge of the flexible curtain, and a bottom bar attached to the lower edge of the flexible curtain. Furthermore, the claim recites that each of the connecting bar and the bottom bar is stiffer than the flexible curtain, and that the bottom bar is also sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members (which guide movement of the metal rollup door).

Claim 1 was rejected as obvious over Clark in view of Rosenoy. In particular, it is suggested in the Office action that Clark discloses a panel assembly comprising a first

flexible curtain (85a), a connecting bar (91, 92), and a bottom bar (140), but that Clark fails to teach or suggest that the connecting bar is stiffer than the flexible curtain. To cure this admitted deficiency, the examiner attempts to rely upon Rosenoy by suggesting that Rosenoy discloses a panel assembly comprising a connecting bar (52) that is stiffer than the flexible curtain. However, neither Clark nor Rosenoy, either alone or in combination, discloses or suggests a connecting bar adapted to couple a first flexible curtain to a lower section of a metal rollup door, or a bottom bar attached to the lower edge of the flexible curtain and being stiffer than the flexible curtain, but also sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members.

First, Clark does not disclose a connecting bar adapted to couple a first flexible curtain to a lower section of a metal rollup door. Clark's purported connecting bars (91, 92) are actually strips of material used to form pockets for rods 90. Clark specifically discloses that "[t]he rods 90 are mounted on the panels by stitching strips of similar material as at 91, 92 to opposite faces of the panel, one of the strips forming pockets for the rods." (Col. 5, ll. 66-68). As shown best in Figures 25 and 26, the strip is stitched along its top and bottom edges to form the pocket. Thus, Clark's purported connecting bar is actually a stitching strip intended to form a pocket for a horizontal rod (90), not a bar adapted to couple a first flexible curtain to a lower section of a metal rollup door.

While it is admitted that Clark does not suggest that the connecting bar is stiffer than the flexible curtain (as is claimed here), the examiner attempts to rely upon Rosenoy to disclose a connecting bar (52) that is stiffer than the flexible curtain. Rosenoy's purported connecting bar 52 is actually "a pair of elongated, linear straps 52 preferably comprised of stainless steel positioned on respective, opposing surfaces of the rolling door 28." (Col. 4, ll. 39-41). Linear straps 52 are part of a windstrap (50), the windstrap being affixed to the door to help it withstand wind and other forms of loading.

The applicants do not dispute that Rosenoy's stainless steel linear straps 52 are more rigid than curtain 28, which is preferably a pliable sheet-like structure. However, Rosenoy's linear straps serve no purpose in connecting two separate members/structures together (as is claimed here). Therefore, it is unclear how a person of ordinary skill in the art, when presented with (a) Clark's stitching strip used to form a pocket on the curtain and (b) Rosenoy's windstrap designed to help a door withstand wind loading, would arrive at a connecting bar adapted to help couple a first flexible panel to a lower section of a metal roll-up door, as is claimed here. Furthermore, substituting Rosenoy's metal windstrap for Clark's flexible stitching strip would make Clark's strip unsuitable for its intended purpose of forming a pocket for a reinforcing rod, as a metal strip would seem ill-suited to form a pocket.

Second, neither Clark, nor Rosenoy, either alone or in combination, teaches or suggests that the bottom bar is attached to a lower edge of the curtain and is stiffer than the flexible curtain, but is also *sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members* (which guide movement of the metal rollup door). As noted in the Specification bottom bar 50 can be made of a "material that, under impact, is sufficiently flexible to resiliently bend out from within the confines of guide members 32" (Page 2, para. 0035). It is suggested in the Office action that Clark teaches a bottom bar (140), but the pull-down member 140 of Clark appears to be a rigid structure. A careful review of Clark's written description has revealed that Clark does not contemplate a flexible, resilient bottom bar. The same is true for Rosenoy, which only discloses a "bottom rail 30 [that] is securely coupled to . . . the lower end portion of the rolling door 28." (Col. 3, ll. 66-68). Furthermore, both Clark and Rosenoy contain no recognition of the desirability of a bottom bar that is *sufficiently flexible to allow the*

impactable panel assembly to resiliently bend out from within a pair of guide members, and no suggestion that would lead one of ordinary skill in the art to such a bottom bar.

Due to the deficiencies in both Clark and Rosenoy, it follows that no combination of the references can render obvious claim 1 or any claims dependent thereon. Accordingly, for at least the foregoing reasons, it is respectfully submitted that claim 1 and all claims dependent thereon are in condition for allowance.

Independent Claim 11:

Claim 11, recites, *inter alia*, an impactable panel assembly attachable to a lower section of a metal rollup door, the impactable panel assembly comprising a first flexible curtain, a second flexible curtain, a windbar, and a bottom bar. The claim specifies that an upper edge of the second curtain is adapted to be coupled to the lower section of the metal rollup door, and that the windbar is attached to an upper edge of the first curtain and a lower edge of the second curtain. The windbar is also stiffer than the first and second curtains. Finally, claim 11 recites that the bottom bar is attached to a lower edge of the first curtain, wherein the bottom bar is sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members (which guide movement of the metal rollup door).

The examiner suggests that Clark discloses a panel assembly comprising first and second flexible curtains (85a, b), a windbar (90), and a bottom bar (140). The examiner does not indicate, however, what void Rosenoy fills (claim 11 does not recite a connecting bar), so it is unclear to the applicants how the reference pertains to independent claim 11. Regardless, there is nothing in either Clark or Rosenoy that suggests that the bottom bar is stiffer than the flexible curtain but still *sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members* (which guide movement of the metal rollup door). Neither Clark nor Rosenoy contains any recognition of the desirability of

a bottom bar that is *sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members*, or any suggestion that would lead one of ordinary skill in the art to such a bottom bar.

Accordingly, for at least the foregoing reasons, , it is respectfully submitted that claim 1 and all claims dependent thereon are in condition for allowance.

**35 U.S.C. § 103(a) Rejections - Clark in view of Rosenoy,
and further in view of Palmer**

Claims 5-8 and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy (as applied to claims 1-4 and 11-13, above), and further in view of Palmer. Claims 5-8 depend from independent claim 1, whereas claims 14-17 depend from independent claim 11. The deficiencies of the combination of Clark and Rosenoy as they relate to claims 1 and 11 were detailed above. The Office action does not rely on Palmer for curing these deficiencies, instead suggesting that Palmer discloses a panel assembly with a bottom bar comprising two bar members. For at least the reasons asserted above in connection with independent claims 1 and 11, dependent claims 5-8 and 14-17 are not obvious in view of the combination of Clark, Rosenoy, and Palmer, leaving them in a condition for allowance. The applicants respectfully request such allowance.

**35 U.S.C. § 103(a) Rejections - Clark in view of Rosenoy,
and further in view of Miyagawa**

Claims 9-10 and 18-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy (as applied to claims 1-4 and 11-13, above), and further in view of Miyagawa. Claims 9 and 10 depend from independent claim 1, whereas claims 18 and 19 depend from independent claim 11. The deficiencies of the combination of Clark and Rosenoy as they relate to claims 1 and 11 were detailed above. Miyagawa does nothing to cure these deficiencies, and the Office action does not rely on it for such a teaching, instead

suggesting that Miyagawa discloses a panel assembly that utilizes deadweights. Thus, for at least the reasons asserted above in connection with independent claims 1 and 11, dependent claims 5-8 and 14-17 are in a condition for allowance. The applicants respectfully request such allowance.

New Claim


With the foregoing amendments, claim 25 has been added herein. New independent claim 25 recites an impactable panel assembly comprising a flexible curtain and a bottom bar attached to the flexible curtain, the bottom bar being stiffer than the flexible curtain yet sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members. For at least the reasons detailed above, no combination of Clark and Rosenoy, can render obvious claim 25. Accordingly, claim 25 is in a condition for allowance. The applicants respectfully request such allowance.

CONCLUSION

In view of the foregoing arguments and amendments, claims 1- 25 are in condition for allowance. Accordingly, reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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